IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Emseal Joint Systems, Ltd., Plaintiff, vs. MM Systems Corporation, Defendant.	NO. 1:14-CV-14706-RWZ

JOINT STATUS REPORT
and STIPULATED MOTION TO EXTEND STAY

Plaintiff Emseal Joint Systems, Ltd. ("Emseal") and Defendant MM Systems Corporation ("MM Systems") submit herewith the parties' Joint Status Report.

The purpose of this Joint Status Report is to inform the Court of the progress of Reexamination Proceeding No. 90/013,473 before the United States Patent and Trademark Office ("USPTO" or "PTO").

Background

On March 24, 2015, MM Systems filed a Request for Reexamination of the Patent in Suit, Emseal's U.S. Patent No. 6,532,708 to Konrad Baerveldt (the " '708 Patent"). MM Systems' Request for Reexamination was assigned Control No. 90/013,473 (the " '473 Proceeding").

On April 3, 2015, a second reexamination was requested by a non-party, Schul International, Inc. ("Schul"). The USPTO assigned the Schul Request Control No. 90/013,472 (the " '472 Proceeding").

On May 19, 2015, the USPTO granted MM Systems' Request for Reexamination.

On May 29, 2015, the USPTO granted Schul's Request for Reexamination.

On June 18, 2015, the Court granted MM Systems' Motion to Stay (Dkt. #23). The Court ordered that the parties file this Joint Status Report on or before November 18, 2015 (Dkt. #55).

The Reexamination

On July 31, 2015, the USPTO merged the '473 and '472 Proceedings.

On August 10, 2015, the USPTO issued its First Office Action, a Non-Final Action ("First Office Action"). A copy of the First Office Action is attached as Exhibit A and is incorporated herein by reference. In its First Office Action, the USPTO deemed claims 1-3, 7, and 8 as patentable and/or confirmed. The USPTO rejected claims 4-6 of the '708 Patent.

Claims 4 and 6 of the '708 Patent have been asserted by Emseal in this litigation. Complaint (Dkt. #1) at 4, ¶ 19; Emseal's Preliminary Infringement Contentions (Dkt. #41) at 3 and the accompanying Claim Charts (Dkt. #41-1) at 1 and 8.

On September 14, 2015, Emseal filed its Response to the First Office Action ("Emseal Response"). The Emseal Response amended claims 4 and 6 and added twenty-two (22) new claims to the '708 Patent, Claims 9-30.

On November 6, 2015, the USPTO issued a Final Office Action ("Final Office Action"). A copy of the Final Office Action is attached hereto as Exhibit B and is incorporated herein by reference. In the Final Office Action the USPTO confirms Claims 1-3, 7 and 8, and rejects amended Claims 4-6 and new Claims 9-30. Exhibit B at 1.

The USPTO gives Emseal an opportunity to respond to the Final Office Action within one (1) month, i.e., on or before December 6, 2015. Exhibit B at 33-34.

Stipulated Motion to Extend Stay of Proceedings

The Reexamination is on-going. The parties earnestly solicit the Court for an extension of the Stay for another six (6) months, by which time Emseal will have responded to the USPTO Final Office Action, the USPTO will consider Emseal's response and the Reexamination Proceedings should be completed. If the Court extends the Stay, the Parties will update the Court on or before May 18, 2016.

For the Court's convenience a Proposed Form of Order is attached.

Date: November 17, 2015.

Respectfully Submitted,

DECONCINI MCDONALD YETWIN & LACY, P.C.

By: /s/ Peter B. Goldman

Peter B. Goldman
Lisa Anne Smith
Sesaly O. Stamps
2525 E. Broadway Blvd., Suite 200
Tucson, AZ 85716-5300
Attorneys for Defendant/Counterclaimant

LAMBERT & ASSOCIATES

By: /s/ Gary E. Lambert
Gary E. Lambert
92 State Street, Suite 200
Boston, MA 02109
Attorneys for Defendant/Counterclaimant

MKG, LLC

By: /s/ John H. Mutchler
John H. Mutchler
306 Industrial Park Rd., Suite 206
Middletown, CT 06457
Attorneys for Plaintiff

SHEEHAN PHINNEY BASS + GREEN, PA

By: /s/ Robert R. Lucic
Robert R. Lucic, BBO No. 677494 Michael J. Lambert, BBO No. 632053
Peter A. Nieves, Admitted *pro hac vice*
255 State Street
BOSTON, MA 02109

CERTIFICATE OF SERVICE

I certify that I served the foregoing on counsel of record through the Court's EFC system.

Date: November 17, 2015 /s/ Peter B. Goldman